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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 521/2005

P.P. SHARMA

..... Petitioner

Through: Mr. Avanish Kumar, Adv.

versus

N.D.M.C. & ANR.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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08.01.2018

The second respondent i.e. the Chief Architect, New Delhi Municipal Council had passed a common order of demolition dated 11.03.2002 respecting certain constructions carried out in property described as bearing no. 6, Sagar Apartments, Tilak Marg, New Delhi in a portion whereof the appellant herein holds certain stake. Three appeals came to be preferred against the said order of demolition before the Appellate Tribunal, Municipal Corporation of Delhi (ATMCD) including appeal no. 57/AT:MCD/2002 instituted by the appellant herein, the other two appeals (appeals no. 74-75/AT:MCD/2002) having been preferred by M/s Delhi Automobiles Ltd. and M/s Delhi Auto & General Finance Ltd. respectively. All the three appeals were dismissed by the ATMCD by common judgment dated 27.08.2004. The three appellants including the appellant herein then moved second appeal before the Lieutenant Governor of Union Territory of

Delhi (vide case nos. 155-157/2004) under Section 256 of New Delhi Municipal Council Act, 1994. The said three appeals were dismissed by the Lieutenant Governor by common order dated 23.03.2005. It is the said order which was challenged by the present petition, similar challenge having been brought before this Court by the other two similarly placed appellants, their petitions having been registered as CM (M) 663/2005 and CM(M) 519/2005 respectively.

The learned counsel for the petitioner submits that the other two petitions were disposed of as not pressed by similar orders passed on 24.10.2013, liberty having been taken by the respective petitioners to make a representation in light of the decision in connected writ petition it being W.P.(C) 4630/2008. He submitted that the present petition may also be allowed to be withdrawn with liberty given for representation to be made in terms of decision in the said writ petition i.e. W.P.(C) 4630/2008.

The petition is, thus, dismissed as withdrawn with liberty as prayed granted.

R.K.GAUBA, J

JANUARY 08, 2018

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